

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Halbert *et al.* Confirmation No.: 6101
Appl No.: 10/577,778 Group Art Unit: 1636
Filed: January 8, 2007 Examiner: Catherine S. Hibbert
For: IMPROVEMENTS IN CELL GROWTH

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SUPPLEMENTAL RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 28, 2009, in which the Examiner required a new species election requirement pertaining to Claims 1-3 and 11-14 as amended and/or added in the Supplemental Preliminary Amendment and Response to Restriction Requirement filed on July 1, 2009. The new species election requirement is as follows:

-- Applicant must elect only one type of mammalian cells selected from the group consisting of: U937, NSO, CHO, fibroblasts, hybridoma cell, myeloma cells and cellular assemblies (corresponding to Claim 13).

-- In addition, if Applicant elects cellular assemblies, Applicant must further elect only one type of cellular assembly from between embryos and pancreatic cells (corresponding to Claim 14).

Applicant hereby provisionally elects without traverse to prosecute the claims of Group I (Claims 1-3 and 11-14) as drawn to NSO cells.

Applicants expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims and non-elected sequences.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

Appl No. 10/577,778

Amdt. Dated: November 2, 2009

Reply to Restriction Requirement Dated: September 28, 2009

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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